

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 FREDERICK O. SILVER,

4 Plaintiff

5 v.

6 DISTRICT ATTORNEY STEVEN B.
WOLFSON, et al.,

7 Defendants
8

Case No.: 2:19-cv-00032-APG-BNW

**Order Denying Motion for Default
Judgment and Directing Plaintiff to Show
Cause Why Clark County Child Support
Division Should Not Be Dismissed**

[ECF No. 132]

9 Plaintiff Frederick O. Silver moves for default judgment against defendant Clark County
10 Child Support Division. ECF No. 132. However, the Child Support Division is not a suable
11 entity because it is a department of Clark County, not a political subdivision. *See Nev. Rev. Stat.*
12 *§ 41.031(2)* (stating an action may be brought against the State of Nevada “or any political
13 subdivision of the State”). “In the absence of statutory authorization, a department of the
14 municipal government may not, in the departmental name, sue or be sued.” *Wayment v. Holmes*,
15 912 P.2d 816, 819 (Nev. 1996) (quotation omitted). The State of Nevada has not waived
16 immunity on behalf of its departments or political subdivisions, and Silver has presented no
17 authority for the proposition that the Child Support Division has been conferred the power to sue
18 and be sued in its own name. I therefore deny his motion for default judgment. Further, because
19 it appears the Child Support Division is not a suable entity, I order Silver to show cause why it
20 should not be dismissed as a defendant in this action.

21 I THEREFORE ORDER that plaintiff Frederick O. Silver’s motion for default judgment
22 (ECF No. 132) is **DENIED**.
23

1 I FURTHER ORDER that on or before January 3, 2020, plaintiff Frederick O. Silver
2 shall show cause, in writing, why defendant Clark County Child Support Division should not be
3 dismissed from this action because it is not a suable entity.

4 DATED this 4th day of December, 2019.

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8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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